

Community Involvement Advisory Council

Meeting Minutes

August 16, 2011

Smyrna Area Rest Stop

Members Present: William Pelham, Bruce Allison, Jay Julius, Pamela Meitner, & La Vaida Owens-White.

Members Absent: Douglas Corey, Robert Frederick, Dr. Bethany Hall-Long, Brian Lewis, Marvin Thomas & Harold Truxon.

Guests: Nick Rodgers, Clean Air Council, and David Small, Deputy Secretary.

I. Meeting Called to Order

II.

Chairman Pelham called the meeting to order at 9:42 a.m.

III. Meeting Protocol Review

The protocol was mentioned in as evidence on the backside of the member nameplates.

IV. Review/Approval of Meeting Notes

The meeting minutes of June 21, 2011 were reviewed and some deletions and additions were made.

MOTION was made by Ms. White to approve the minutes with the changes at the next meeting since they did not have a quorum and a second was made by Mr. Julius.

V. House Bill 197

A. CEPF Technical Upgrades

Mr. Brunswick said he met with DNREC to upgrade the CIAC website to enable applicants to click on the website and get all the information on penalties and identify the location of their proposed project and see the proximity of their project to where the penalties occurred.

Mr. Pelham asked how costly will this be?

Mr. Brunswick answered the only additional expense is the allocation of staff time. Mike Townshend is assigned to this GIS project, so the Office of Information Technology will

allocate his time to make the needed modifications. The Department will be using existing software so there should not be any technical challenges. The software modifications will be finished by the end of September and a training workshop should be organized for mid to late October.

B. Review and Discussion of CIAC'S Mission

Mr. Brunswick said the legislature had concerns about funding not going directly to areas directly impacted by violations. The original version of HB 197 recommended that project funding be limited to within 10 miles of where the violation occurred. The CIAC discussed the proposed legislation and Mr. Pelham wrote a letter that expressed the Council's concerns.

The Council felt the 10 mile radius within New Castle County would not limit eligibility for projects because the county is only about 10 miles wide. Kent and Sussex Counties are much wider, with Sussex County being more than 29 miles from its' western to eastern border. Eligibility for funding from a penalty on the far western part of the County might not be eligible to a project in the Inland Bays. The legislature came up with a compromise requires that projects have to be within a Water and/or Air shed. Mr. Brunswick will consult with the Air Quality Section to define Air Sheds and Water Sheds.

The Council had additional concerns about the whole decision-making process involving the Councils recommendation that the request that DE Aerospace Education Foundation (DASEF) resubmit their application for consideration at the June CIAC meeting. The Secretary had already decided not to fund the project because of the demand that it might create throughout the Department for similar geothermal projects. The Secretary also felt there were other sources, such as Energy Office funding programs that would be a better fit for the geothermal projects.

Ms. Meitner said the process was not working when the Secretary made his decision before the Council had an opportunity to review a revised funding request at the June meeting. It was a bad idea for the Secretary to preempt our review.

Mr. Small said the Secretary felt there were other funds, including federal stimulus monies that would be utilized more appropriately to fund a geothermal project. The Secretary was also trying to be more efficient in meeting the applicant's needs. He was trying to interact early on in the process, and to be a good shepherd of departmental funding. Mr. Small said this was a unique situation because of the type of funding and the timing of the request.

Mr. Brunswick said the Secretary sent the denial letter to the applicant, and that the letter referred them to the Energy Office where there were two pots of funding available. One is generated by Delmarva Power. The Green Energy Fund was established around 6 years ago and is limited to Delmarva Power customers. The second is from the Delaware Electric Cooperative. Because the project is in Kent County, the DASEF is eligible for \$25,000 from the Delaware Electric Cooperative.

Mr. Meitner said she that is unsatisfactory since they were looking for \$50,000.

Mr. Small said he would like to go back and see if there is more funding available. He said he is sure the Secretary would be willing to supplement any other funding they have received.

Mr. Meitner said if the organization made their pitch and we said “No”, then there would have been no problem. However, the project seemed good for the environment and is a forward looking proposal that demonstrated geothermal energy use in an area where we have very little. It would have been nice to have had the opportunity to know more about it.

Mr. Julius said their original proposal was for \$300,000 and we talked them down to \$100,000. We referred the Smyrna library to the Brownfields program to fund the soil testing project. We did not fund it. So there is some precedent for finding more appropriate sources within the Department. However, it would have been nice to have known of the Secretary’s decision before we asked them back for the June meeting.

Mr. Pelham said the main concern was with the apparent lack of courtesy. The Council is made up of volunteers who give of their time on issues, but then to have a decision before we have had an exchange of ideas is troubling.

Mr. Small said that is fair. I know the Secretary and I are both interested in ways that we can enhance the communication and the transparency of CIAC. Apparently it was a timing issue.

Ms. Meitner said she does not have anything against advising people of other funding sources that more adequately meets their needs.

Mr. Small said to allow him more time for more diligence on other funding options

Mr. Pelham said; the process of communications should have allowed the CIAC to have recommendation down on paper and then onto the Secretary for a decision.

Mr. Small said that sounds like a practical way to go. He said after reviewing the historical information, 98 percent of the time the Council’s recommendations have been approved and the Department moves forward on their recommendations.

Ms. Owens-White asked what the process of dialogue with sponsors is within DNREC.

Mr. Brunswick said he tries to get sponsors early on in the application process. The best case scenario is to have a sponsor in place, as the organization is developing their CEPF application. He said that he that he usually has enough time to speak with applicant about their project and get them together with a potential sponsor.

Ms. Meitner said there should be more emphasis on getting a sponsor early on in the application process.

Mr. Brunswick said that is the big demand for sponsors at the front end of the process where there are still a lot of applicants. Recruiting a large number of sponsors, especially when there is a need for a large number from a specific Division (usually, the Division of Air Quality) is very difficult. It much easier to match sponsors and projects after the funding decisions, when there is a limited number of projects.

He also said that the CIAC was not originally a funding body. Those duties became a part of the Council's focus when the penalty money became available after the passage of HB 192. Even then, the Council's role was only advisory to the Secretary in terms of the location or proximity of the penalty to the project.

We have drifted away from the original charge of the Council. The CIAC was charged with increasing communications between DNREC, industries and communities. Communities that are impacted with multiple sources of pollution and the cumulative health risk is high. This was more the focus and the role of the Council.

Ms. Owens-White said Delaware is rich in resources and people do not know where these resources lie. Communities do not know where to apply for some of these funds. There is a gap in the flow of information between the funding sources and the communities.

Mr. Pelham said that Mr. Brunswick is the key because he is out in the community checking out their problems.

Mr. Brunswick said the role of the Council, as it was originally conceived is to be more hands on body, communicating actively and directly with communities in addressing the environmental pollution problems they face. In the past the, Council actually held meetings in communities like Southbridge. The CIAC went on a community-sponsored tour of facilities that the civic association had identified as polluters. The Council brought DNREC staff out to respond directly to the questions raised from the communities. If we are to be consistent with our original charge, the Council needs to be more of a vehicle for getting information and Department resources directly into communities, focused on addressing their environmental concerns. We are far too focused on grant making.

Mr. Pelham said it would be good to air out our mission.

VI. Community Ombudsman Report

A. CEPF Report

The consultant for the City of Rehoboth completed the final report on their tree inventory project. The final report was mailed to me on a compact disk about a week ago. The Delaware Center of Horticulture published their second and final report on a website. Unfortunately, it was impossible to download the information onto the state network. So, that report has also been made available to me on a compact disk.

B. EPA Environmental Advocates Meeting

Mr. Brunswick reported on an August 5 meeting with the EPA Region III Environmental Justice Advocates from the EPA drinking water and wastewater programs. The meeting was aimed at establishing working relationships with Delaware staff, and coordinating efforts to get targeted funding and technical assistance to environmental justice communities. Donna Bostic is the EPA Environmental Justice Team Leader. DNREC was represented by me, Terry Deputy Financial Assistance Branch (FAB) Director, and Dave Schepens, Groundwater Discharges Section Manager.

Since our 2007 CEPF septic financing project with First State Community Action Agency, our Financial Assistance Branch has developed a package of loan and grant products that can meet the needs of virtually any income level community.

The regular Septic System rehab Loan Program (SRLP) is a three percent loan for up to \$35,000. It has a twenty year term with low payments. This loan can also finance the relocation of a drinking water well. It is not unusual that low income homeowners live on small lots where the drinking wells have to be moved to meet regulations that require them to be a safe distance from the drinking water supply.

The Septic Extended Funding Option (SEFO) is a no interest, 20 year loan program for the replacement of a septic system. SEFO loan recipients don't make any monthly payments. The loan is paid upon the sale of the property. FAB insures that this loan gets to the lowest income homeowners because applicants can only be eligible for SEFO loans after they are denied funding under the regular septic loan program.

Mobile home communities and small communities can finance decentralized sewer systems for up to \$250,000 at three percent. FAB helps low income communities to overcome barriers to funding by allowing them to skip the regular competitive funding process to get onto the Clean Water State Revolving Fund Priority Projects list.

FAB just funded a statewide water assessment so DNREC can map every community in the state that does not have a sewer system. So, once completed, the Department will have the information to reach out directly to low income communities with FAB loan and grant programs.

Port of Wilmington Staging Area Project

Mr. Brunswick said that the trucks service the port sometimes that line up at the entrance to the Port and must idle briefly while waiting to move up a few feet in line. This creates exposure of Terminal Avenue residents to the most toxic form of diesel emissions.

The Asthma Action Project measured exposure to diesel fumes which are way above the ambient air quality standards. The Wilmington Metropolitan Area Planning Commission

(WILMAPCO) had proposed a staging area project that would identify a parcel of land some distance from residential area where trucks could await their entry into the Port. The Division of Air Quality has some funding 9 (About \$300,000) through the Diesel Emissions Reduction Act (DERA) that could finance alternative power units that would eliminate the need for idling diesel trucks. Our CEPF grantee, the Clean Air Council has established a good working relationship with the Port. So we will be launching a collaborative effort to bring the Port to the table and re-launch the staging area project.

Mr. Small said that one of the challenges is that trucks with refrigerated units are exempt from the anti idling legislation.

C. Trinity Trucking Update

Mr. Brunswick said we have the cost estimates and the draft of a final Memorandum of Agreement between Trinity Trucking, DuPont Edgemoor and the Clean air Council for another anti-idling project that will improve air quality in the Southbridge, Northern New Castle Avenue area. The project will install 19 – 20 reefer electrification units, like the ones here at the Smyrna Rest Stop. Trinity Trucking is located at Rodgers Road and New Castle Avenue.

The estimated cost of the project is for \$219,000 to install the alternative power units. The project is a great fit because of funding that is available from the \$225,000 offset funding of a DuPont Edgemoor boiler project.

Mr. Small said it was an offset of a Coastal Zone Act permit with nitrogen emissions.

Mr. Brunswick said the project will eliminate 20 diesel generators that were running constantly to refrigerate tractor trailers at the Trinity truck depot. Residents from Oakmont and the surrounding community had approached the company with complaints about respiratory problems and noise. There will be more reductions of SOX's and particulate matter from this project. The MOA should be signed within the next 30 days. When the project is completed, we will have a big press conference involving residents from the civic associations within the area. It would also be great to have some CIAC members in attendance. It is rare to find all these willing partners; Trinity Trucking, DuPont Edgemoor funding, the Clean Air Council, all in a community that was being heavily impacted by diesel generator exhaust

New Castle County Zoning Ordinance

Mr. Brunswick said that they the Asthma Action Project, a community resident air sampling CEPF project has also contributed to a public policy change. The New Castle County Land Use Department has started drafting a fugitive dust ordinance introduced by New Castle County Councilman Jea Street. The ordinance will help reduce fugitive dust by requiring effective spraying, tarps and other covers to be placed on all materials that may become airborne in strong winds. The new ordinance is going to grandfather existing facilities but all new facilities

will have to reduce fugitive dust with covers and to following procedures for loading and unloading materials that could become air born.

D. Delaware Transit Corporation

Mr. Brunswick said the Delaware Transit Corporation project is exceeding their ridership projections for the Route 25 expansion project. The area's largest employer, PBF (the old Valero plant) has asked to have one of the bus stops located at their plant. They have offered to do the outreach with their own their workforce.

DE Transit wants to revise their project budget to fund more outreach, use color posters, and build an eye level display at the bus stop. The Council allows about 10 to 15 percent leeway. The project was funded for \$187,949.00.

VII. Open Forum

Mr. Pelham asked Deputy Secretary David Small to help the Council with getting a quorum. The Council will have 2 positions open in October. Mr. Lewis is leaving and Mr. Corey never attended a meeting.

Mr. Small said he is having regular discussion with Lydia Prigg, of the Governor's Office. They will be making some appointments in September to cover the October openings.

Ms. Meitner said she has a concern that if we reduce the quorum, then you get a few people that are running the committee which could result in bias and pet projects. I don't think you can reduce the quorum less than the majority.

Mr. Pelham added that the Council does not have the ability to dismiss a Council member.

Mr. Julius asked if the Council can ask for a replacement of a member that has not attended three meetings.

Ms. Owens-White said that she does not know if the Governor would be in favor of that or not.

Ms. Meitner asked; what was decided about the Aerospace Science Project? Is Mr. Small going back to the Aerospace Science to find out if they got funding, and from where? Also, what is the path forward about sponsorship?

Mr. Pelham replied that DNREC has enough to do already with their present staff and load of work.

Mr. Allison said so we will approve projects based on what the council knows and then get them sponsorship.

Mr. Brunswick answered it has to be on a project by project basis. I try to find subject matter experts that can help the applicant and Grant Review Subcommittee evaluate the feasibility of the projects, and then try to find sponsors if or when the project is funded.

Ms. Meitner said the system is not working perfectly.

Mr. Julius said if Mr. Brunswick finds a worthy project, he can normally find a sponsor. We had one project that was good but did not have staff to sponsor it so the council passed on the project.

Mr. Pelham said it would be difficult to get a sponsor before we know if the project will be funded.

Mr. Allison said he has a question regarding GIS with the air and water shed. Will this be a part of the application process?

Mr. Pelham answered that Mr. Brunswick or DNREC will look at the application location.

Mr. Brunswick said software should give the applicant the ability identify the location of their proposed project, then click on the penalty to match the type and location of the penalty.

Mr. Pelham said this GIS program will be a tool of the Secretary. The Secretary shall determine if the project is located within an area that is adversely affected and he and his staff will share their findings with the council.

Ms. Meitner said that the Council will have to make recommendations consistent with the law.

Mr. Pelham said we should have Mr. Brunswick demonstrate the program at the next meeting.

Ms. Meitner said Mr. Brunswick talked about the CIAC mission and how he thought we were getting one dimensional in just giving out money. One thing we could do is to ask a subcommittee to have discussions among themselves and with David Small and James Brunswick and then go back and look at the history and come to the December meetings with some recommendations and possible proposal.

Mr. Pelham said he has felt for a long time that we were putting too much time on the funding aspects.

Mr. Small said he appreciated Ms. Meitner bringing these topics back up. He said when HB197 was introduced it got everyone looking again at the purpose of the Council. DNREC has various levels of engagements with the community. We are looking for your thoughts on some system approaches that we could put in place that we could adopt as models to utilize on a day to day basis to get community feedback. There are a lot of places the Council could plug in and help. How can we better engage the communities on the services we can offer?

Ms. Owens-White said from her perspective that she has heard and had to defend DNREC on a lot of positions where there was broad community negativity. She would like to work with the subcommittee and be the advocate for the communities to provide them with the information they need.

Mr. Pelham said instead of a subcommittee we should use the whole committee.

Ms. Meitner said it will require a subcommittee to do some research and leg work before communicating with the others. She said it is clear that we are not very good at acting as a whole committee. We will have to designate some people to get the information and bring it back to the entire committee, and we need to have several members of the committee get involved and do homework.

Mr. Julius said we should make it a topic at the October meeting.

Mr. Small said he would like for the Council members to listen to people and other voices outside of DNREC and think how the Council can be a bridge between communities and DNREC. Also, to think on how DNREC can increase their communication with the communities. He said there has been a lack of trust and communication between communities and DNREC for a long while. If the Council could just give us some of their thoughts and feedback on where DNREC needs to focus energy and put some systems in place.

Ms. Owen's-White asked Mr. Small if he would be at the meeting on the 18th.

Mr. Small answered just long enough to make connections. He said he would like for Ms. Owens-White to advocate for DNREC but he knows she needs more information. Mr. Small said he wants to bring larger issues to her so that when she gets a question she will have more information on the issues that the Department is dealing with. He wants to bring program experts in to update the Council on the hot issues.

Ms. Meitner suggesting sending an email to the entire committee on the direction the council is going. Mr. Brunswick receives the input from the other council members and at the next meeting the Council talks about their mission including what their role is and what key areas we should put more energy into.

Mr. Pelham said that he and Mr. Brunswick will compose an email and send it out to the entire council.

Ms. Owens-White said that Mr. Brunswick will attend the Wilmington Wellness Day gathering on September 17 from 11 a.m. to 3 p.m. and set up an exhibit table on environmental funds.

VIII. Adjournment

The meeting was adjourned at 11:49 a.m.

Respectfully submitted,

s/Gail L. Henderson

Gail Henderson
Administrative Specialist II, DNREC

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Community Involvement Advisory Council members and the public in supplementing their personal notes and recall of presentations.